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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,233	11/25/2003	Jun Nagai	00862.023390.	4340
5514	7590	06/25/2008		
FITZPATRICK CELLA HARPER & SCINTO			EXAMINER	
30 ROCKEFELLER PLAZA			QIN, YIXING	
NEW YORK, NY 10112			ART UNIT	PAPER NUMBER
			2625	
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			06/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/720,233	NAGAI, JUN	
	Examiner	Art Unit	
	Yixing Qin	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 May 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 12-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 5/23/08, all requested changes have been entered.

Response to Arguments

Applicant's arguments filed 5/23/08 have been fully considered but they are not persuasive. One of the goals of the Shima invention is to perform printing automatically based upon predetermined user settings. In P[0013], the settings are stored for an HTML site and the printer accesses this information in order to properly print the document. Even in P[0056] and P[0059], the printing depends upon user settings, but the user's selections are still performed prior to the extraction section 48 actually doing anything. Thus, the judgment performed is still from a predetermined response. Please see the rejection below for more details.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

I. Claims 12-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Shima (U.S. PG Pub. No. 20030035144)

Regarding claims 12, 21, 22, Shima discloses an image processing apparatus comprising:

a reception unit adapted to receive second data acquired based on location information included in first data described in a markup language, wherein the location information indicates a location at which the second data exists; (P[0056] - Area C1 of image C contains a hyperlink to C2 to another URL/web data.)

It does not explicitly disclose "a judgment unit adapted to judge whether the second data received by said reception unit is data of a predetermined type," However, Fig. 4, step S31 and P[0056] discloses checking with a user whether to print the hyperlink or the linked contents. Further in P[0059], the access/information extraction section 48 has to obtain the linked content if it to be printed. While a judgment is not explicitly stated to be performed, the access/information extraction section 48 is used to identify the type of information that is being gathered based upon predetermined user settings that the user has entered..

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have judged that a particular data is of a predetermined type. The motivation would have been to properly process and print data in particular formats

Therefore, it would have been obvious to use Shima's invention to obtain the invention as specified.

a print unit adapted to print the location information instead of the second data if said judgment unit judges that the second data is data of the predetermined type and to print the second data if said judgment unit judges that the second data is not data of the predetermined type (Again, from above, P[0056] and [0059] discloses that one of an image or its location – i.e. a hyperlink – can be printed. The printing does depend upon user settings, but the user's selections are still performed prior to the extraction section 48 actually doing anything. Thus, the judgment performed is still from a predetermined response from a user.)

Regarding claim 13, Shima discloses the image processing apparatus according to Claim 12, wherein said judgment unit judges whether the second data is image data. (P[0011] discloses automatic printing. Also from P[0048], each figure A, B, C, D in Fig. 5 is considered an contents image. On Fig. C, the weekly weather forecast would be printed as an image in the current page if the linked content was to be printed instead of the hyperlink to that content.)

Regarding claim 14, Shima discloses the image processing apparatus according to Claim 12, wherein the first data is described in HTML and the location information is a URL, and wherein the second data exists at the location specified by the URL. (P[0056]

discloses that the link is a hyperlink URL. The abstract discloses that Shima is using HTML)

Regarding claim 15, Shima discloses the image processing apparatus according to Claim 12, wherein said reception unit receives the second data from an external information processing apparatus. ([P[0030] discloses that information is obtained from a web server)

Regarding claim 16, Shima discloses the image processing apparatus according to Claim 15, further comprising an acquisition unit (Fig. 1, item 34) adapted to receive the first information from a server via the Internet and acquire the second data (Fig. 1, connection using the network NW), based on the location information included in the received first information, from the external information processing ~pparatus. (P[0034] - the access/extracting section 48 access web content according to a URL)

Regarding claim 17, Shima discloses the image processing apparatus according to Claim 15, wherein the server is a WWW server and the first data is Web page data. (P[0030])

Regarding claim 18, Shima discloses the image processing apparatus according to Claim 12, further comprising:

a setting Unit adapted to set a print processing mode of the image processing apparatus; (P[0015] - setting whether to obtain the linked contents, also in Fig. 4, item s31, where an user is to choose) and

a determination unit adapted to determine the print processing mode set by the setting unit to the image processing apparatus, (Fig. 4 s32

"wherein said judgment unit only performs the judgment if it is determined by said determination unit that a first print processing mode is set to the image processing apparatus, and said print unit prints the second data if it is determined by said determination unit that a second print processing mode, which is different from the first print processing mode, is set to the image processing apparatus." (P[0056] - the user can determine whether to print the hyperlink or the linked content, which would equate to the different modes. Again, from claim 1 above, a judgment would be obvious since the extraction section 48 has to go obtain the information)

Regarding claim 19, Shima discloses the image processing apparatus according to Claim 18, wherein said setting unit sets the print processing mode according to a user's instruction. (P[0058] - the manager 44 inquires the user for input)

Regarding claim 20, Shima discloses the image processing apparatus according to Claim 18, wherein said setting unit automatically sets the print processing mode base on the location information. (P[0011]

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsunaga (U.S. PG. Pub No. 2003/0142349), Barmettler (U.S. Patent No. 6,981,213)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ

/David K Moore/

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